

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

To:

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Applicant's or agent's file reference
2002P18350WO

IMPORTANT NOTIFICATION

International application No.
PCT/EP 03/12472

International filing date (day/month/year)
07.11.2003

Priority date (day/month/year)
07.11.2002

Applicant

SIEMENS AKTIENGESELLSCHAFT et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

| | | |
|--|---|--|
| Applicant's or agent's file reference 2002P18350WO | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/EP 03/12472 | International filing date (<i>day/month/year</i>) 07.11.2003 | Priority date (<i>day/month/year</i>) 07.11.2002 |
| International Patent Classification (IPC) or both national classification and IPC H04Q7/38 | | |
| Applicant SIEMENS AKTIENGESELLSCHAFT et al. | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

I ☒ Basis of the opinion

II ☐ Priority

III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability


IV ☐ Lack of unity of invention

V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI ☐ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international application

| | |
|--|---|
| Date of submission of the demand 07.07.2004 | Date of completion of this report 27.01.2005 |
| Name and mailing address of the international preliminary examining authority:  European Patent Office - Gitschiner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840 | Authorized Officer Alonso Maleta, J Telephone No. +49 30 25901-487 |



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 03/12472**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-14 as originally filed

Claims, Numbers

1-16 as originally filed

Drawings, Sheets

1/7-7/7 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP 03/12472

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|------|
| Novelty (N) | Yes: Claims | 1-16 |
| | No: Claims | |
| Inventive step (IS) | Yes: Claims | 1-16 |
| | No: Claims | |
| Industrial applicability (IA) | Yes: Claims | 1-16 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

Re Item V

1. The following document (D1) is referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: WO 00/13426 A (SAMSUNG ELECTRONICS CO LTD) 9 March 2000 (2000-03-09)

2. The application does not meet the requirements of Article 6 PCT, because independent claims 1, 13, 15 and 16 are not clear.
- 2.1 Although claims 1 and 13 have been drafted as separate independent claims, claim 13 contains all the features of claim 1 with the additional feature that time variable information, signalled in downlink channels by a base station of the radio communication system, is used to determine the delay time.

Therefore, as claim 13 contains all the features of independent claim 1 it has been considered as dependant on claim 1 and it should be redrafted accordingly.
The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

- 2.2 The term "delay time" used in claims 1, 13, 15 and 16 is vague and unclear because it leaves the reader in doubt as to the moment or action from which this delay is determined.

According to the description (see page 3, lines 22-27) the problem to be solved is to prevent the occurrence of signalling overload in contention based access channels when a great number of user equipments are paged simultaneously.

In order to evaluate the requirements of Article 33 PCT, it has been assumed that it refers to the time upon receipt of a page request from a base station (see page 5, line 25-page 6, line 12 of the description) or that the user equipment determines a delay time for transmitting a signal on a random access channel (see page 5, line 28-32 of the description).

3. Document D1 (WO0013426), which is considered to represent the most relevant state of the art, discloses a method for controlling uplink access transmissions in a radio communication system wherein the user equipment determines a delay time for

transmitting a signal on an uplink access channel.

The problem to be solved by the present invention may therefore be regarded as a signalling overload in contention based access channels when a great number of user equipments are paged simultaneously.

The method of claim 1 solves this problem by determining a delay time for transmitting a signal on the uplink random access channel based upon a probability distribution that increases in density with increasing delay while in document D1, the delay time is calculated based on the number of available access channel codes and on the total number of channels.

Independent claims 15 and 16 define the equivalent features in terms of a base station and a user equipment to the corresponding method claim 1.

Therefore, independent claims 1, 15 and 16 meet the requirements of the PCT with respect to novelty and inventive step.

Claims 2-14 add further features to the subject-matter of claim 1 and also meet the requirements of Article 33 PCT with respect to novelty and inventive step.